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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/659,864

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J. Leslie Vogel III

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EXAMINER

TRAN, TONGOC

ART UNIT

PAPER NUMBER

2134

MAIL DATE

DELIVERY MODE

08/18/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/659,864	<b>Applicant(s)</b> VOGEL, J. LESLIE	
	<b>Examiner</b> TONGOC TRAN	<b>Art Unit</b> 2134	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 52-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 52-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on April 16, 2008 has been entered. Claims 1-51 have been canceled. Claims 52-72 have been added. Claims 52-72 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 52, 56, 61, 65 and 70 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 52, 56, 61, 65 and 70 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to

Art Unit: 2134

reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claims recite the access point sending a shared key to the station in response to the connection request if the access point is capable of handling a connection to the station. The limitation of sending the actual shared key is not clearly described in the Specification. Applicant is advised to point out where in the disclosure that teaches this limitation and recites how the shared key is used after it is received at the station.

With respect to claim 56, the claim recites the station sending a shared key from the access point in response to the connection request if the access point is capable of handling a connection to the station. It is unclear who is sending and who is receiving the shared key.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 52-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (U.S. Patent No. 6,526,506) in view of Quick, Jr. (U.S. Patent No. 6,178,506, hereinafter Quick) and further in view of Schneier ("Applied Cryptography, Second

Edition, Protocols, Algorithms, and Source Code in C", John Wiley & Sons, Inc. 1996, hereinafter Schneier) .

With respect to claims 52, 54-56, 59-66 and 68-70, Lewis discloses a computerized method, a computer-readable medium and a wireless network of establishing a secure wireless communication channel between an access point and a station, the channel being encrypted with a channel key, comprising:

the access point receiving a connection request from the station to initiate a setup connection between the access point and the station (e.g. Lewis, col. 10, lines 47-61, conventional initialization routine, mobile terminal seek out access point);

the access point sending a shared key to the station in response to the connection request if the access point is capable of handling a connection to the station (e.g. Lewis, col. 10, lines 59-61 and col. 12, lines 35-47, encryption in basic registration, encrypt key);

Lewis does not disclose the user name and password is encrypted with self-distributed key. However, Quick discloses when communicating with access point, mobile terminal user should protect secrecy of password, either in encrypted form or not (e.g. col. 4, lines 36-37). Schneier discloses the Hughes encryption scheme for generating self-distributed key (Schneier, page 515, Alice - Access point, Bob - Station, self-distributed key -  $K=K'$ ). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the Hughes encryption scheme to protect the password by taking the advantage of exchanging keying information without the key to protect the password from being compromised.

With respect to claims 53, 57, 58, 67, 71 and 72, further comprising:

The access point encrypting the channel key using the self-distributed key if the user name and the password are valid; and

The access point sending the encrypted channel key to the station to cause the station to terminate the setup connection and to establish a secure connection with the access point using the channel key (e.g. Lewis, col. 9, lines 24-40).

### ***Conclusion***

5, Any inquiry concerning this communication or earlier communications from the examiner should be directed to TONGOC TRAN whose telephone number is (571)272-3843. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tongoc Tran/  
Examiner, Art Unit 2134